

23 September 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Request from Subcommittee for Foreign Operations
and Government Information

1. Chairman William S. Moorhead (D., Pa.) has requested certain information on requests received under the "Freedom of Information Law." Mr. Jake Goodwin, Special Assistant to the Director, identified 41 requests making direct or indirect reference to that law.

2. A review of the 41 requests with [REDACTED] Deputy General Counsel, and Mr. Goodwin weeded out 39 as not constituting formal requests for access to records under 5 U.S.C. 552. Unfortunately in some of the 39 cases the response to the requestor makes reference to 5 U.S.C. 552 (b), the subsection of the law which exempts certain types of records from public disclosure. A recipient of such a response could reasonably conclude that his request constituted a request under that law and was denied under that law. It is possible that the Subcommittee is, or in the future will be, aware of some of these cases.

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3. It is also noted that the Agency's publication in the Federal Register (Vol. 32, No. 140, Friday, July 21, 1967) under 5 U.S.C. 552 states "(c) If the request does not sufficiently identify the record, the Assistant to the Director shall so inform the requestor who may then resubmit his request together with any additional information which will help to identify it."

4. It is the opinion of Mr. [REDACTED] that a request for OSS records does not constitute a request for Agency records. ✓

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Assistant Legislative Counsel